IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9350 OF 2005

The Nashik Agril. Produce
Market Committee, Nashik ..Petitioners

versus

The State of Maharashtra
and another ..Respondents

Shri P. N. Joshi for the Petitioners.

CORAM : DR. D.Y.CHANDRACHUD,J.
DATE : 10TH FEBRUARY,2006

P.C. :

1. The learned Additional District Judge at Nasik has declined to stay the proceedings in a Reference under the Land Acquisition Act, 1894 noting that the Reference is pending since 1997, and that it would not be appropriate to defer disposal thereof. The District Government Pleader had moved an application for staying the proceedings until such time as the Government decides upon the allegation that the claimants to whom the land had been allotted subject to certain conditions under the Maharashtra Agricultural Lands Ceiling on Holdings Act, 1961, had committed a breach of

certain conditions upon which they would not be entitled to retain land in excess of the ceiling limit. The learned Trial Judge is justified in taking the view that it is for the State Government to take expeditious recourse to its powers, if any, under the Ceiling Act. The delay on the part of the State Government in taking expeditious recourse to its powers under the Ceiling Act, if any, cannot be a ground for deferring indefinitely the conclusion of the proceedings in a Reference under the Land Acquisition Act, 1894.

2. In the circumstances, the learned Trial Judge was justified in declining to grant stay. However, while dismissing the Petition, it is clarified that it will be open to the State Government to expeditiously conclude the proceedings, if any, that are pending under the Maharashtra Agricultural Lands Ceiling on Holdings Act, 1961. Subject to the aforesaid observations, the Petition is dismissed.

(DR. D. Y. CHANDRACHUD, J.)